

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JUAN JOHNSON,	)	
	)	
Plaintiff,	)	05 C 1042
	)	
v.	)	Judge Grady
	)	
REYNALDO GUEVARA, and the	)	
CITY OF CHICAGO,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION IN LIMINE NO. 5**  
**TO BAR REFERENCES TO INFLAMMATORY NICKNAMES**

NOW COMES Plaintiff, JUAN JOHNSON, by his counsel, and respectfully brings the following motion *in limine*.

**Discussion**

Some of the people who might be referenced at this trial have inflammatory nicknames, such as "Mr. Insane" and "Hitman." These names are unduly prejudicial, particularly since the defense will try to associate these people with the Plaintiff. Conversely, there is no probative value to such labels: the witnesses actual names would work just fine.

The defense may counter that at least some of the nicknames should not be barred, such as Sam "Spanky" Perez, who was routinely referred to by his nickname. Plaintiff has no objection to that particular example, and possible other examples that the defense may propose. However, the defense should not have free reign to mention the likes of "Hitman" and "Mr. Insane" without any legitimate reason to do so. See United States v. Williams, 739 F.2d 297, 299-300 (7th Cir. 1984) ("it was improper

for the prosecutor to elicit the gratuitous testimony about the defendant's nickname ["Fast Eddy"], and the testimony should not have been permitted" because it "might suggest to the jury that the defendant had some sort of history of or reputation for unsavory activity").

Unless the Court approves the use outside the presence of the jury, references to inflammatory nicknames should be barred.

WHEREFORE, Plaintiff respectfully requests an order barring the Defendants from referencing inflammatory gang nicknames without first clearing their use with the Court at the hearing on this motion, or, alternatively, at trial outside the presence of the jury.

RESPECTFULLY SUBMITTED,

  
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